



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,047	01/08/2002	James C. Colson	AUS920010709US1	4470

7590 08/24/2005

DILLION & YUDELL LLP
8911 NORHT CAPITAL OF TEXAS HIGHWAY
SUITE 2110
AUSTIN, TX 78759

EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
----------	--------------

2179

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,047

Applicant(s)

COLSON ET AL.

Examiner

Sara M. Hanne

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment received on June 10, 2005.
Amended Claims 1-3, 5-9, 11-15, 17-23, 25-31, 33-39 and 41-42 and previously presented claims 4, 10, 16, 24, 32 and 40 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 6, 12 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to support a "agreement to pay a fee" for display of "only a non-text image". If the term "non-text" is inclusive in the definition of image, then the recitation of "non-text" in the claims is repetitive. However the examiner feels that "non-text" is further limiting the claims. There may be an image of text, for example in the case of a screen shot. The specification does not teach distinguishing an image from a non-text image, and therefore it is unclear what the intent is of this limitation. The examiner encourages the attorney to call to discuss this matter if it is still unclear why this rejection still stands.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 7-9, 13-15, 19-22, 25-30, 33-38 and 41-42 rejected under 35 U.S.C. 102(e) as being anticipated by Shamoon et al., US Patent Application Publication 2004/0107356, hereinafter Shamoon.

As in Claims 1, 7, 13, 19, 27 and 35, Shamoon teaches a method, system and computer program product for requesting, from a user device and via a billing server (Par. 320, 329, 443) a single web page's content from a network content server (Par. 311, 386), displaying on the user device multiple options from the billing server to a single user of the user device to view the single web page's content for a price (Par. 475), wherein each option has a different price (Shamoon teaches display for free, zero dollars, or for a price, X dollars) selecting, by the single user at the user device, an option (Par. 476), receiving, at the user device, a requested content from the single web page according to the selected option wherein the requested content is less than all of the single web page (Par. 358 and 468) and displaying on the user device the requested content from the single web page (Par. 475, 476, and example in Par. 522).

As for Claims 2, 8, 14, 20, 28 and 36, Shamoon teaches prices of options based on removal of an advertisement from the single web page content (Par. 475 et seq.).

As in Claims 3, 9, 15, 21, 29, and 37, Shamoon teaches the price of the option based on an age of the web page content (Par. 287, the length of time the content is displayed is the age).

As in Claims 22, 30 and 38, Shamoon teaches multiple offers are defined by a non-URL descriptive portion of a script header to the web page content (Par. 454 et seq. and Figures 2, 7 with corresponding text).

As in Claims 25, 33 and 41, Shamoon teaches the network content server is on the Internet (Par. 311).

As in Claims 26, 34 and 42, Shamoon teaches the billing server and the network content server are a same device (Par. 352 and 443).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. As in Claims 4-6, 10-12, 16-18, 24, 32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon et al., US Patent Application Publication

2004/0107356, and further in view of Nicolas et al., US Patent 6593944, hereinafter Nicolas.

As in Claims 4, 10, 16, 24, 32 and 40, Shamoon discloses requesting a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page (See Claim 1 rejection *supra*) and the appliance which displays the web page to be "any computing device" such as a PC (Par. 247). Shamoon fails to clearly teach web page content displayed on a PDA as recited in the claims. In the same field of the invention, Nicolas teaches a web page display mechanism similar to that of Shamoon. Nicolas further teaches the client receiving the web page on a PDA (Col. 5, lines 60 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon and Nicolas before him at the time the invention was made, to modify the requesting of a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoon to include the PDA implementation of Nicolas, in order to obtain PDA access and retrieval of portions of a webpage selectable according to pricing options. One would have been motivated to make such a combination because a billable Internet interface to optionally charge for web page access for minimizing the amount of data presented due to limited space would have been obtained, as taught by Nicolas (Col. 1, line 53 et seq.).

Furthermore as in Claims 5, 11, 17, Shamoon teaches the prices of the option are based on what percentage of the single web page is displayed on the user device (100% with advertising, less than 100% without advertising). Shamoon fails to teach web page content displayed on a PDA wherein a choice of what percentage of the single page is displayed is dependent on the size of the PDA's limited sized display as recited in the claims. In the same field of the invention, Nicolas teaches a web page display mechanism similar to that of Shamoon. In addition, Nicolas further teaches the web page content displayed on a PDA wherein a choice of what percentage of the single page is displayed is dependent on the size of the PDA's limited sized display (Col. 2, line 40 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon before him at the time the invention was made, to modify the requesting of a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoon to include the choice of what percentage of the single page is displayed is dependent on the size of the PDA's limited sized display of Nicolas, in order to obtain user selection, according to display size, of a different priced options, priced according of percentage of the web page displayed. One would have been motivated to make such a combination because user customizable interface for web page viewing on small display screens would have been obtained, as taught by Nicolas (Col. 2, lines 15-31).

As in Claims 6, 12 and 18, Shamoon teaches an agreement to pay a fee causes the display of only a non-text image from the single web page (multimedia stream is an image, as for the fee, Par. 349, et seq.).

7. Claims 23, 31 and 39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon et al., US Patent Publication 2004/0107356, and further in view of Mitchell, US Patent 6701350.

Shamoon teaches a script in the header and parsing the script from the script header to generate at the user device a display of the multiple offers (Par. 76 et seq.). Shamoon fails to teach XML as recited in the claims. In the same field of the invention, Mitchell teaches a web page display mechanism similar to that of Shamoon. In addition, Mitchell further teaches an XML script in the header and parsing the script from the script header to generate at the user device a display of the multiple offers (Col. 2, line 60 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon and Mitchell before him at the time the invention was made, to modify the requesting of a single web page, and according to a parsed header script, generate a display of differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoon to include the XML header of Mitchell, in order to obtain implementation of the header execution in order to display different priced options to the user for viewing a portion of web page content. One would have been motivated to make such a combination because a universally accepted, web browser

compatible header for the invention would have been obtained, as taught by Mitchell (Col. 2, lines 60 et seq.).

Response to Arguments

Applicant's arguments filed June 10, 2005 with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection (*supra*).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh


BA HUYNH
PRIMARY EXAMINER